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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,487	11/15/2001	Kojiro Katayama	35.G2936	7221

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/987,487

Applicant(s)

KATAYAMA ET AL.

Examiner

Shawki S. Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on July 10, 2006.
Claims 1, 11, 21 and 31 have been amended.
Claims 1-40 are pending.

The New Grounds of Rejection

2. Applicant's amendment and arguments received on July 10, 2006 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection. The amendment to the claims necessitated the new grounds of rejection

Claim Objections

3. Claims 1, 11, 21, and 31 objected to because of the following informalities:
The claims recites "judging means which judge whether any trouble which has occurred in a predetermined apparatus is a trouble related to the apparatus having the first-type or a trouble related to the apparatus having the second-type. it is believed that the word "function" needs to be added in at the end after second-type. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements is/are:

The claims recite judging means which judge whether any trouble which has occurred in a predetermined apparatus is a trouble related to the apparatus having the first-type function or a trouble related to the apparatus having the second-type function. The claims is missing a critical element that specifies how the information apparatus identifies that a problem has occurred and furthermore it is also missing the factors that are needed in the judging means, what basis does the judging means use to judge whether trouble has occurred in one device and not in the other. These essential elements are vital to the claimed subject matter and as such need to be included in the claims.

The claims recite "if said judging means cannot judge as to whether the trouble which has occurred is a trouble related to the apparatus having he first-type function or to the apparatus having the second type function..." similar to above, there is an essential element missing for not being able to judge, why is the judging means not able to judge. These essential elements are vital to the claimed subject matter because they factor into why one local managing apparatus is chosen to administer the diagnosis as opposed to the other or why both are chosen. The claims in their present form are incomplete for omitting theses essential elements which has amounted to a gap between the elements, proper correction is required to alleviate the abovementioned gaps.

Claim Rejections - 35 USC §102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 6, 8, 10-13, 16, 18, 20-23, 26, 28, 30-33, 36, 38, 40, are rejected under 35 U.S.C. 102(e) as being anticipated by **Kimura et al**, (Kimura) U.S. Patent No. **6,173,422**.

7. As to claim 1, Kimura teaches an information processing apparatus which is connected to a first local managing apparatus which diagnoses an apparatus having a first-type function and a second local managing apparatus which diagnoses an apparatus having a second-type function that is different from the first-type function, comprising (see Fig. 12 and Fig. 13, col. 18, lines 1-14):

judging means which judge whether any trouble which has occurred in a predetermined apparatus is a trouble related to the apparatus having the first-type function or a trouble related to the apparatus having the second-type function (see Fig. 16, col. 21, Lines 29-55);

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determination means which determine that the first local managing apparatus shall diagnose the predetermined apparatus if the trouble which has occurred in the predetermined apparatus is judged to be a trouble related to the apparatus having the first-type function, and determine that the second local managing apparatus shall diagnose the predetermined apparatus if the trouble which has occurred in the predetermined apparatus is judged to be a trouble related to the apparatus having the second-type function, based on the judgment provided by said judging means, and said determining means determining that the first and second local managing apparatuses shall both diagnose the predetermined apparatus if said judging means cannot judge as to whether the trouble which has occurred in the predetermined apparatus is a trouble related to the apparatus having the first-type function or to the apparatus having the second-type function (see Fig. 16, col. 21, Lines 29-55); and

diagnosis control means which causes one of the first local managing apparatus and the second local managing apparatus, or both the first and second local managing apparatuses, to perform diagnosis, based on a determination provided by said determination means (col. 22, lines 11-28).

8. As to claim 2, Kimura teaches an information processing apparatus according to claim 1, wherein said diagnosis control means issues a diagnosis request to one of the first local managing apparatus and the second local managing apparatus, or both the first and second local managing apparatuses (see Fig. 12 and Fig. 13, col. Col. 18, lines 1-14).

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9. As to claim 3, Kimura teaches an information processing apparatus according to claim 1, further comprising display control means for displaying a list of apparatuses connected to the local network on a display unit (see Fig. 16, col.21, lines 29-55).

10. As to claim 6, Kimura teaches an information processing apparatus according to claim 1, further comprising report generating means for generating report information indicating contents of the trouble in a case where the trouble is determined by the first local managing apparatus or the second local managing apparatus (see Fig. 6, 7 and 16).

11. As to claim 8, Kimura teaches an information processing apparatus according to claim 1, wherein the apparatus of the first type is peripheral devices, and the apparatus of the second type is computer devices (see Fig. 1).

12. As to claim 10, Suzuki teaches an information processing apparatus according to claim 8, wherein the apparatus of the second type is at least one of personal computers, server computers, or network devices (see Fig. 1).

13. Claims 11-13, 16, 18, 20-23, 26, 28, 30-33, 36, 38, and 40 contain similar limitations as above; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4-5, 14-15, 24-25, and 34-35, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of **Kimura et al.**, (Kimura) U.S. Patent No. **6,173,422** in view of **Suzuki et al.**, (Suzuki) U.S. Patent No. **6,415,392**.

16. As to claim 4-5, 14-15, 24-25, and 34-35, Kimura teaches an information processing apparatus as discussed above. Kimura does not explicitly teach notifying a service person wherein said notifying means transmits information to a portable terminal carried by the service person regarding a location to which to go to perform the recovery operation.

Suzuki teaches a supervising system for image forming apparatus, and which is capable of selectively connecting a mobile computer of a service person with the communication network at a user site (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate Suzuki's mobile terminal for a service person into the invention of Kimura in order to efficiently and correctly display service information. Since all the information a service person needs is at their fingertips, they are able to do their repair in a fast and accurate manner.

17. Claim 7, 17, 27, and 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of **Kimura et al.**, (Kimura) U.S. Patent No. **6,173,422** in view of **McCrory et al.**, (McCrory) U.S. Patent No. **6,697,962**.

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18. As to claim 7, 17, 27, and 37, Kimura teaches an information processing apparatus according to claim 1. McCrory does not explicitly teach notifying means for sending a notification of a need for a commissioning recovery operation to another company, in a case where the trouble cannot be recovered from without external help (col. 3, lines 13-24 and col. 15, lines 51-60).

McCrory teaches a remote monitoring system providing diagnostic and remedial functions to a computer system. The computer system has a diagnostic agent housed locally and can retrieve information about the various states of the monitored computer system. If the monitoring agent can not correct or remedy the problem associated with a computer system it employs the help of a remote or external service center to aide in diagnosing the failure or problem (see abstract, Fig. 2, col. 4, lines 14-37).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of McCrory into the invention of Kimura in order to better diagnose and correct failures. By employing external help the failure would be corrected quickly using appropriate methods not available locally.

19. Claim 9, 19, 29, and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of **Kimura et al**, (Kimura) U.S. Patent No. **6,173,422** in view of "**Official Notice.**"

20. As to claim 9, 19, 29, and 29, Kimura teaches an information processing apparatus according to claim 8. Kimura does not explicitly teach wherein the apparatus of the first type is at least one of printers, photocopiers, or scanners.

"Official Notice" is taken that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Kimura's monitoring system to monitor any type of device whether it be audio/video devices or image forming devices because failures and errors can happen in image forming devices and would require similar monitoring in order to correct the failures and insure that the devices function properly.

Response to Arguments

21. Applicant's arguments have been fully considered, however they are not deemed to be persuasive. Applicant is directed to the previous Office Action for response to applicant's arguments.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
December 21, 2006



**BHARAT BAROT
PRIMARY EXAMINER**